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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 4166 of 2007

Date of decision: 11.10.2007

Pepsu Roadways Transport Corporation and another

...Appellants

Versus

Hamir Kaur and others **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Harsh Aggarwal, Advocate for the appellants.

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RAJESH BINDAL, J.

The respondents are in appeal against the award of Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') whereby widow of deceased Gurjant Singh has been granted compensation of a sum of Rs. 1,50,000/- and her daughter was granted compensation of Rs. 23,000/-.

Learned counsel for the appellants submitted that petition filed by the respondents/claimants under Section 163-A of the Motor Vehicles Act, 1988 (for short "the Act") was not maintainable for the reason that in the petition the salary of deceased Gurjant Singh was claimed to be Rs. 5,000/- per month whereas for maintaining a petition under Section 163-A of the Act, the income could not exceed Rs. 40,000/- per annum. However, it could not be disputed by him that subsequently claim petition was amended and the income was restricted to Rs. 40,000/- per annum, which brought the petition within the ambit of provisions of Section 163-A of the Act. Learned counsel for the appellants further submitted that even after the amendment, in the cross examination respondent no.1/claimant stated that income of the deceased was Rs. 500/- per day and that would mean her claim petition was not within the ambit of provisions of Section

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163-A of the Act.

I do not find any merit in any of the contentions raised by learned counsel for the appellants for the reason that claimant is an illiterate lady and secondly any claim beyond pleadings was otherwise also not admissible. Another submission made by learned counsel for the appellants is that dependency and the multiplier has been wrongly calculated by the Tribunal. However, I find that income of the deceased was assessed moderately at Rs. 2100/- per month even after reducing from Rs. 40,000/- per annum and after applying a cut of 1/3 for his personal expenses, contribution to the family is assessed at Rs. 1400/- per month, which was not on higher side. Multiplier of 10 also can not be said to be on the higher side keeping in view the facts and circumstances of the case. Similar is the position with regard to interest granted on the awarded amount which is 8% per annum.

Accordingly, I do not find any justification to interfere with award of the learned Tribunal. The appeal is dismissed.

October 11, 2007 **(Rajesh Bindal)**
Pka **Judge**